

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

David Bradberry individually  
and on behalf of all others similarly situated,

Plaintiff,

v.

Abercrombie & Fitch Co., Michael S. Jeffries,  
Matthew Smith, and The Jeffries Family Office,  
LLC,

Defendants.

**Case No. 23-cv-09440-JHR/OTW**

**DEFENDANT MATTHEW SMITH'S NOTICE OF  
MOTION TO DISMISS THE FIRST AMENDED COMPLAINT**

**PLEASE TAKE NOTICE** that, upon his Memorandum of Law, Defendant Matthew Smith will move this Court before the Honorable Jennifer H. Rearden, at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl St., New York, New York 10007-1312, at a time and place to be set by the Court, for an order pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure dismissing all claims against him set forth in the Individual and Class Action First Amended Complaint [ECF No. 82] filed by Plaintiff David Bradberry in this action, together with such other and further relief as this Court may deem just and proper.

Dated: October 4, 2024  
Miami, FL

Respectfully submitted,

By: /s/ David A. Rothstein  
David A. Rothstein (*pro hac vice*)  
Alexander M. Peraza (*pro hac vice*)  
Eshaba Jahir-Sharuz (*pro hac vice*)

**DIMOND KAPLAN & ROTHSTEIN, P.A.**  
**2665 South Bayshore Drive, PH-2B**  
**Miami, Florida 33133**  
**(305) 374-1920**

Jonathan S. Sack

**MORVILLO ABRAMOWITZ GRAND**  
**IASON & ANELLO P.C.**  
**565 Fifth Avenue**  
**New York, New York 10017**  
**(212) 856-9600**

*Attorneys for Defendant Matthew Smith*